

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 166

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-15-10-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) For purposes of this section, "civil air patrol" refers to the Indiana wing of the civil air patrol.**

(b) For purposes of this section, "emergency service operation" includes the following operations of the civil air patrol:

- (1) Search and rescue missions designated by the Air Force Rescue Coordination Center.**
- (2) Disaster relief, when requested by the federal or state emergency management agency.**
- (3) Humanitarian services, when requested by the federal or state emergency management agency.**
- (4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command.**

(c) An employee may not be disciplined for absence from work if:

- (1) the employee is a member of the civil air patrol;**
- (2) the employee has notified the employee's immediate supervisor in writing that the employee is a member of the civil air patrol;**
- (3) in the event that the employee has already reported for work on the day of the emergency service operation, the**

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employee secures authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation; and

(4) the employee presents a written statement to the employee's immediate supervisor from the commander or other officer in charge of the civil air patrol indicating that the employee was engaged in an emergency service operation at the time of the employee's absence from work.

SECTION 2. IC 10-16-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. "Civil air patrol" refers to the Indiana wing of the civil air patrol.**

SECTION 3. IC 10-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. "Emergency service operation" includes the following operations of the civil air patrol:**

- (1) Search and rescue missions designated by the Air Force Rescue Coordination Center.
- (2) Disaster relief, when requested by the federal or state emergency management agency.
- (3) Humanitarian services, when requested by the federal or state emergency management agency.
- (4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command.

SECTION 4. IC 10-16-1-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Political subdivision" has the meaning set forth in IC 36-1-2-13.**

SECTION 5. IC 10-16-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 19. Civil Air Patrol

Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

- (1) is a member of the civil air patrol; and
- (2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

- (1) for being absent from employment by reason of engaging

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in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

- (1) Payment of back wages.
- (2) Reinstatement to the employee's former position.
- (3) Fringe benefits wrongly denied or withdrawn.
- (4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in IC 35-41-1-24) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

Sec. 2. (a) This section applies to an employee of a private employer who:

- (1) is a member of the civil air patrol; and
- (2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(b) Except as provided in subsection (c), the employer may not discipline an employee:

- (1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or
- (2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work

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and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(c) After an employer is notified under subsection (a)(2) that an employee is a member of the civil air patrol, the employer may reject the notification on the grounds that the employee is an essential employee to the employer. If an employer rejects the notification of an employee under this subsection:

- (1) subsection (b) does not apply to the employee; and
- (2) the employee shall promptly notify the commander or other officer in charge of the civil air patrol of the rejection of the employee's notification under subsection (a)(2).

(d) The employer may require an employee who has been absent from employment as set forth in subsection (b)(1) or (b)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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